

From: Ulysses T. Ware

To: The Hon. William H. Pauley, III

Date: June 2, 2021

RE: Filing the enclosed pleadings on the 04cr1224 and 05cr1115 (SDNY) dockets.

Judge Pauley:

Please file the enclosed pleadings:

Ulysses T. Ware's, (the "**Petitioner**"), **(1)** Rule 33 Motion for a New Trial for Newly Discovered Previously Concealed, Suppressed, Hidden, and **Dispositive Exculpatory and Exoneration Brady Evidence**; **(2)** a Fed. R. Crim. P. 42(b) Motion to Show Cause for **Criminal and Civil Contempt** of lawful court orders/judgments; and **(3)** in the alternative a Motion for the Dismissal/Annulment of the ***United States v. Ware***, 04cr1224 (SDNY) and ***United States v. Ware***, 05cr1115 (SDNY) indictments, (the "**Indictments**"), with Prejudice, nunc pro tunc, November 2004 (1224) and September (2005), respectively, for insidious and malicious Prosecutorial and Judicial Misconduct and Frauds on the Court committed by NYC federal prosecutors, federal judges, and others who deliberately, intentionally, knowingly, willfully, faithfully, maliciously, perfidiously, and eagerly aided, abetted, assisted, facilitated, and committed two or more acts of racketeering activities as defined at 18 USC 1961 et. seqs.

on the applicable dockets.

In the future, please serve Mr. Ware via email at utware007@gmail.com with all of your orders or directives entered in this matter, due to the slowness of the U.S. Mail.

Mr. Ware and the estate of Mary S. Ware will file a brief in opposition to the Government's Dkt. #250 not later than June 20, 2021.


/s/ Ulysses T. Ware


June 2, 2021

NOTICE OF MOTION and RULE 11 SANCTIONS

1. Please be advised that you have been named as a **Primary and/or Supplemental Respondent**, in your personal, individual, and/or official capacities regarding Petitioner Ulysses T. Ware's Rule 33 and Rule 42(b) Criminal and Civil Contempt Motions submitted to the United States District Court (SDNY), ***United States v. Ware***, 04cr1224 and 05cr1115, to wit:

Ulysses T. Ware's, (the "**Petitioner**"), **(1)** Rule 33 Motion for a New Trial for Newly Discovered Previously Concealed, Suppressed, Hidden, and **Dispositive Exculpatory and Exoneration Brady Evidence**; **(2)** a Fed. R. Crim. P. 42(b) Motion to Show Cause for **Criminal and Civil Contempt** of lawful court orders/judgments; and **(3)** in the alternative a Motion for the Dismissal/Annulment of the ***United States v. Ware***, 04cr1224 (SDNY) and ***United States v. Ware***, 05cr1115 (SDNY) indictments, (the "**Indictments**"), with Prejudice, nunc pro tunc, November 2004 (1224) and September (2005), respectively, for insidious and malicious Prosecutorial and Judicial Misconduct and Frauds on the Court committed by NYC federal prosecutors, federal judges, and others who deliberately, intentionally, knowingly, willfully, faithfully, maliciously, perfidiously, and eagerly aided, abetted, assisted, facilitated, and committed two or more acts of racketeering activities as defined at 18 USC 1961 et. seqs.

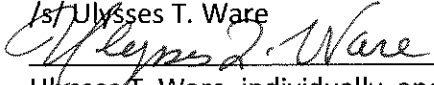
2. Furthermore, be advised that the above proceedings are currently governed by extant and lawful final judgments and/or orders entered in favor of Ulysses T. Ware, (the "**Prevailing Party**"), for the purpose of Fed. R. Crim P. 42(b) **criminal and civil contempt** enforcement proceedings; and therefore, accordingly, **you and your legal counsel** are both subject to Fed. R. Civ. P. 11(b)(1-4), (c), and 28 USC 1927 sanctioning if any bad faith, baseless, frivolous, filed for an improper purpose, vexatious pleadings, arguments, or other papers are signed by counsel, or pro se, and submitted to the Court.

Sincerely,

Ulysses T. Ware, Petitioner

/s/ Ulysses T. Ware

Case Nos. 05cr1115 (SDNY) and 04cr1224 (SDNY)

Submitted on June 2, 2021, by:

/s/ Ulysses T. Ware

Ulysses T. Ware, individually, and as
the legal representative for the estate
of Mary S. Ware.
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utware007@gmail.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**United States of America, et al.,
Plaintiff, Petitioner,
Cross Respondent,**

v.

**Ulysses T. Ware, et al.,
Defendant, Respondent,
And Cross Petitioner.**

Filed on June 2, 2021.

Ulysses T. Ware's, (the "**Petitioner**"), **(1)** Rule 33 Motion for a New Trial for Newly Discovered Previously Concealed, Suppressed, Hidden, and **Dispositive Exculpatory and Exoneration Brady Evidence**; **(2)** a Fed. R. Crim. P. 42(b) Motion to Show Cause for **Criminal and Civil Contempt** of lawful court orders/judgments; and **(3)** in the alternative a Motion for the Dismissal/Annulment of the **United States v. Ware**, 04cr1224 (SDNY) and **United States v. Ware**, 05cr1115 (SDNY) indictments, (the "**Indictments**"), with Prejudice, nunc pro tunc, November 2004 (1224) and September (2005), respectively, for insidious and malicious Prosecutorial and Judicial Misconduct and Frauds on the Court committed by NYC federal prosecutors, federal judges, and others who deliberately, intentionally, knowingly, willfully, faithfully, maliciously, perfidiously, and eagerly aided, abetted, assisted, facilitated, and committed two or more acts of racketeering activities as defined at 18 USC 1961 et. seqs.

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June 2, 2021

**Rule 33 Motion for a New Trial and/or Dismissal of the Indictments with Prejudice for
Prosecutorial and Judicial Misconduct and Fraud on the Court.**



The Unindicted Coconspirators, et al.

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June 2, 2021

Rule 33 Motion for a New Trial and/or Dismissal of the Indictments with Prejudice for Prosecutorial and Judicial Misconduct and Fraud on the Court.

I.

A. Primary Respondents.

Alexander H. Southwell, Nicholas S. Goldin, Steven D. Feldman, Maria E. Douvas, Steve R. Peikin, David N. Kelley, Michael J. Garcia, Preet Bharara, Joon Kim, Melissa A. Childs, Audrey Strauss, Sarah E. Paul, Andrew L. Fish, and Katherine Polk-Failla, (the **"NYC Federal Prosecutors"**); and perfidious Judicial Misconduct Committed by New York Federal Judges Peter W. Hall, Robert A. Katzmann, Barrington D. Parker, Jr., Renna Raggi, Rosemary S. Pooler, Barbara S. Jones, Amalya L. Kearse, Robert D. Sack, Leonard B. Sand, William H. Pauley, III, Colleen McMahon and Robert W. Sweet), (the **"NYC Federal Judges"**), the NYC Federal Prosecutors and NYC Federal Judges, jointly, (the **"Primary Respondents"** or **"Unindicted Coconspirators"** or **"Illegal Association in Fact"**).

B. Supplemental Respondents.

Those individuals and or entities who knowingly, willfully, and eagerly who directly and/or indirectly aided, abetted, assisted, and facilitated the crimes of the Primary Respondents, to wit: Dennis S. Meir, John W. Mills, III, J. Henry Walker, IV, Kenneth A. Zitter, convicted felon Edward M. Grushko, Barbara R. Mittman, LH Financial Services, Ari Rabinowitz, Ari Kluger, Alpha Capital, AG (Anstalt), Stonestreet, LP, Markham Holdings, Ltd, Amro International, S.A., Edward T.M. Garland, Manibur S. Arora, Gary G. Becker, Michael F. Bachner, Marlon Kirton, Jeremy Jones, Myron Williams, Carlton Epps, Charles H. Jackson, Elrico Sadler, Kelly Quinn, Andrew J. Peck, Michael F. Dolinger, Ruby Krajick, James N. Hatten, Lance C. Wilson, Kent J. Dawson, Joan E. McKown, The Securities and Exchange Commission, (the **"SEC"**), Spencer C. Barasch, Jeffrey B. Norris, Steven Webster, William Smith-Grieg, Carmen Mallon, Thomas W. Thrash, Jr., Orinda D. Evans, Marvin H. Shoob, Linda T. Walker, John Horn, James H. Morawitz, Sims W. Gordon, Jr., Margaret H. Murphy, Joyce Bihary, C. Ray Mullins, M. Regina Thomas, Patricia Sinback, Wendy L. Hagenau, Kilpatrick, Townsend, & Stockton, LLP, (**"KTS"**), The State Bar of Georgia, William P. Smith, III, Jonathan Hewett, William Allan Myers, William D. NeSmith, Paula Fredrick, Jenny Mittelman, Carmen Rojas-Rafter, Lisa Scolari, the U.S. Probation Office, Michael Fitzpatrick, Thomas J. McCarthy, Cathleen Tyler, David Mulcahy, Gerald B. Tjoflat, Charles E. Wilson, David Makol, Maria Font, Thomas F. Hogan, James C. Duff, the Bureau of Prisons, the U.S. Marshals, Stanley Marcus, and others both known and unknown.

II.

A. Incorporation by Reference and FRE 201(b) judicial notice.

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June 2, 2021

Rule 33 Motion for a New Trial and/or Dismissal of the Indictments with Prejudice for Prosecutorial and Judicial Misconduct and Fraud on the Court.

(i) Petitioner hereby incorporates by reference in heac verba, as if set forth herein, and attached hereto, and make a part hereof as the factual basis for this Motion:

1. Exhibit #UTW-01 (12/10/2019 affidavit of Ulysses T. Ware),
2. Exhibit #UTW-02 (05/22/2021 affidavit of Ulysses T. Ware, Facts 1-173),
3. Exhibit #UTW-03 (12/11/2011 letter to Dennis S. Meir, Esq.),
4. Exhibit #UTW-04 (IRN's June 1, 2021, Press Release and Declaration of Ulysses T. Ware dated May 31, 2021), and
5. May 28, 2021, Technical Memorandum and Analysis #1.06.

(ii) **Petitioner request that the District Court take FRE 201(b) judicial notice of:**

1. The December 20, 2007, Dkt. 90, Rule 41(a)(2) superseding, voluntary, after the statute of limitation had run on all claims, final order-judgment entered in *Alpha Capital, AG, et al. v. IVG Inc., a/k/a Group Management Corp., et al.*, 02cv2219 (SDNY) (LBS).
2. The November 7, 2008, abandonment, abortion, termination, and dismissal with prejudice by the United States Attorney General, (the "USAG"), Article II appellate political decision that dismissed with prejudice the *United States v. Ware*, 07-5670-cr (XAP),(2d Cir.), *Gov.-I*, Rule 28.1 cross-appeal abandoned regarding the October 2007 rulings of the 05cr1115 District Court (Pauley, J.), to wit: Dkt. #99, S. Tr. 31 L 18-

25, (R-1); S. Tr. 35-36, (R-2); and S. Tr. 73-76, (R-3), R-1, R-2, and R-3, jointly, (the **“Pauley Double Jeopardy Verdicts”**).

3. The August 18, 2009, superseding ratifying final Gov.-I cross-appeal judgment entered in 07-5670-cr (XAP) (2d Cir.), **Gov.-I**, in favor of Ulysses T. Ware, (the **“Prevailing Party”**), to wit:

(i) regarding R-1, R-2, R-3, and the 05cr1115 proceedings, the law of the case; triggered the Double Jeopardy Clause’s absolute finality regarding all issues, facts, and claims actually or necessarily resolved by R-1, R-2, and R-3;

(ii) and conferred res judicata, collateral estoppel, and Executive Branch Article II prosecutorial political decision estoppel against the United States and its privies regarding the 05cr1115 proceedings as of November 7, 2008.

B. Requested Relief.

Petitioner moves the District Court for an Order directed to the United States and its privies, to wit, the **Primary Respondents**, the **Supplemental Respondents**, **Unindicted Coconspirators**, or **Illegal Association in Fact**:

(1) to show cause in writing, under oath, subject to the penalty of perjury **not later than June 16, 2021**, why the Indictments shall not be dismissed with prejudice, nunc pro tunc for prosecutorial and judicial misconduct, and/or for frauds on the court committed by the Primary or Supplemental Respondents; or

(2) why the convictions and sentences of the Petitioner shall not be reversed, vacated and Petitioner granted new trials for the same, or;

(3) why the Indictments shall not be dismissed with prejudice, nunc pro tunc, for lack of Article III constitutional and 18 USC 3231 statutory subject matter jurisdiction;

(4) why each Primary and Supplement Respondents shall not be held in **civil and criminal contempt**, 18 USC 401(2) and 18 USC 401(3), for **(a)** negligence in the official transactions by officers of the court; and **(b)** for knowingly “willful resistance” to lawful court orders entered in

- (i) 02cv2219 (SDNY), December 20, 2007, Dkt. 90, Rule 41(a)(2) Order-Judgment (Sand, J.);
- (ii) May 19, 2006, Dkt. 17, Tr. 5-9, Brady Order, (Pauley, J.) (05cr1115),
- (iii) November 7, 2008, the USAG’s Article II Executive Branch unreviewable and nonjusticiable Article II appellate political decision to dismiss with prejudice ***United States v. Ware***, 07-5670-cr (XAP)(2d Cir.), **Gov.-I**;
- (iv) the August 18, 2009, **Gov.-I**, superseding Cross-Appeal **final** judgment entered in 07-5670-Cr (XAP) (2d Cir.);
- (v) August 10, 2007, Dkt. 32, Brady Order, (Sweet, J.) (04cr1224); and

(5) any other dispositive relief deemed just and proper given the egregious, insidious, perfidious, malicious, racially-motivated hate crimes, and criminal nature of the crimes and/or offenses committed by the Unindicted Coconspirators or **Primary Respondents**, and their **coconspirators and/or Supplemental Respondents**.

III.

A. Statement of the Case, *United States v. Ware*, 04cr1224 (SDNY) (RWS), (“1224”).

Petitioner incorporates by reference as if set forth fully herein Exhibit #UTW-01 (12/10/2019, affidavit) as his statement of the case regarding the *United States v. Ware*, 04cr1224 (SDNY) proceedings.

B. Statement of the Case, *United States v. Ware*, 05cr1115 (SDNY) (WHP).

Petitioner incorporates by reference as if set forth fully herein Exhibit #UTW-02 (May 22, 2021, affidavit of Ulysses T. Ware) and Dkt. 239 as his statement of the case regarding 1115.

IV.

A. Petitioner’s Claims and Contentions.

1. The Government incorrectly contends, according to the USPO, that (a) fines, (b) restitution, and (c) forfeiture is owed in regard to the void and abrogated 1224 and 1115 cases.

2. Mr. Ware contends that the Superseding Final judgments, see Fact #23, (Exhibit #UTW-01), final judgments entered in favor of Mr. Ware, abrogated, annulled, and vitiated all prior judgments, (i.e., fines, restitution, and forfeitures) entered in 02cv2219, 04cr1224, and 05cr1115. By operation of law, any and all prior judgments, orders, or proceedings that depended in whole and/or in part on any prior judgment entered in 2219, 1224, and 1115 have been **abrogated, annulled, vitiated, and voided**.

3. The federal courts legally designated Mr. Ware as the prevailing party in the 2219, 1224, and 1115 proceedings as a result of the Superseding Final Judgments.

4. The United States and its privies, i.e., the DOJ, USPO, SEC, AOC, FBI, U.S. Marshals, etc., all are bound absolutely by *res judicata*, *collateral estoppel*, and bound by the **Double Jeopardy Clause** against **any further fact finding in any proceeding** in regard to any issues, facts, or claims actually or necessarily resolved by the Superseding Final Judgments in 2219, 1224 and 1115. see *Federated*, 452 U.S. at 398-402 (“final judgment absolutely binding on all courts, the parties, and their privies in all subsequent proceedings between the parties; all issues and claims actually or necessarily resolved by final judgment forever settled between the parties.”) (paraphrased) (emphasis added).

V.

A. MEMORANDUM OF LAW.

1. Petitioner attaches hereto and makes the same a part hereof, in heac verba, as his Memorandum of Law regarding the 1224 proceedings, his May 28, 2021, Memorandum #1.06 Technical Analysis filed in 05cr1115 (SDNY).

2. Petitioner attaches hereto and makes the same a part hereof, in heac verba, as his Memorandum of Law, Dkt. 239 (05cr1115), regarding his claims and contentions with respect to the 1115 proceedings.

Certificate of Service

I Ulysses T. Ware certify that I have this 2nd day of June 2021, served a copy of:

Ulysses T. Ware's, the Petitioner, Rule 33 Motion for a New Trial for Newly Discovered Previously Concealed, Suppressed, Hidden, and **Dispositive Exculpatory and Exoneration Brady Evidence**, and; (2) in the alternative Motion for the Dismissal/Annulment of the ***United States v. Ware***, 04cr1224 (SDNY) and ***United States v. Ware***, 05cr1115 (SDNY) indictments, (the "Indictments"), with Prejudice, nunc pro tunc, November 2004 (1224) and September (2005), respectively, for Prosecutorial and Judicial Misconduct and Frauds on the Court committed by NYC federal prosecutors, federal judges, and others who deliberately, intentionally, knowingly, willfully, faithfully, maliciously, perfidiously, and eagerly aided, abetted, assisted, facilitated, and committed two or more acts of racketeering activities as defined at 18 USC 1961 et. seqs.

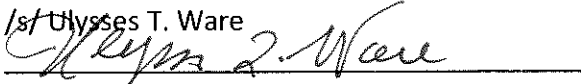
on AUSA Melissa A. Childs at her purported official DOJ email account: melissa.childs@usdoj.gov;

also served the same on Acting United States Attorney (SDNY) Ms. Audrey Strauss at audrey.strauss@usdoj.gov; served:

AUSA Melissa A. Childs, Esq.
Office of the United States Attorney
86 Chambers St.
3rd Floor
New York, NY 10007

Kilpatrick, Townsend, & Stockton, LLP via Managing Partner J. Henry Walker, IV via email: Henrywalker@kilpatricktownsend.com ;

and Petitioner where possible has served each Primary and Supplemental Respondent via their published email accounts; where the email account is unknown or unavailable, Petitioner has served the management of the last publicly known organization that purported to have employed the Primary or Supplemental Respondent; and all judicial officers have been served by sending to the District of Appeals Courts' Offices of the Clerk Notice of the Filing of this Rule 33 Motion.

/s/ Ulysses T. Ware

Ulysses T. Ware



Gibson, Dunn Partner Former AUSA Alexander H. Southwell

Concealed and suppressed his own DOJ official email dispositive Brady evidence

IRNewswires Public Corruption Investigations Media Group

Alan Reitman, JD, PhD, Esq., Public Corruption Investigative Reporter

Harold Morey, Executive Editor

June 1, 2021

London, UK

IRN has uncovered AUSA Southwell's concealed DOJ official emails that he lied and committed perjury about during the 05cr1115 (SDNY) proceedings. Mr. Southwell is in very serious legal jeopardy. His future hangs in the balance. He will likely be disbarred, prosecuted, convicted, and he will receive an exceptionally long prison sentence for his crimes. He and District Judge William H. Pauley, III, his coconspirator, cannot escape the reach of justice.

Case Nos. 05cr1115 (SDNY) and 04cr1224 (SDNY)

Submitted on May 25, 2021, by:

/s/ Ulysses T. Ware

Ulysses T. Ware, individually, and as
the legal representative for the estate
of Mary S. Ware.
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Brooklyn, NY 11226
(718) 844-1260 phone
utware007@gmail.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**United States of America, et al.,
Plaintiff, Petitioner,
Cross Respondent,**

v.

**Ulysses T. Ware, et al.,
Defendant, Respondent,
And Cross Petitioner.**

**Exhibit #UTW-01
Ulysses T. Ware's December 10, 2019, Affidavit.**

**Mr. Ware and the estate of Mary S. Ware will file a brief in opposition to the Government's Dkt. #250 not later than
June 20, 2021.**

Case Nos. 05cr1115 (SDNY) and 04cr1224 (SDNY)

Submitted on May 26, 2021, by:

/s/ Ulysses T. Ware

Ulysses T. Ware, individually, and as
the legal representative for the estate
of Mary S. Ware.
123 Linden Blvd.
Suite 9-L
Brooklyn, NY 11226
(718) 844-1260 phone
utware007@gmail.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**United States of America, et al.,
Plaintiff, Petitioner,
Cross Respondent,**

v.

**Ulysses T. Ware, et al.,
Defendant, Respondent,
And Cross Petitioner.**

Exhibit #UTW-2.0: May 22, 2021, Affidavit-Declaration.

Ulysses T. Ware's May 26, 2021, (i) Resubmission of Dkt. 239 for immediate adjudication based on newly discovered evidence, and; (ii) request for an evidentiary hearing to resolve all disputed issues of material fact in.

Comes now Ulysses T. Ware, defendant-respondent-cross-petitioner, and moves this Court for an evidentiary hearing to resolve all disputed issues of material fact regarding the attached Affidavit-Declaration of Ulysses T. Ware dated May 22, 2021, Exhibit #UTW-2.0, and the claims in Dkt. #239.

Case Nos. 05cr1115 (SDNY) and 04cr1224 (SDNY)

Submitted on May 29, 2021, by:

/s/ Ulysses T. Ware

Ulysses T. Ware, individually, and as
the legal representative for the estate
of Mary S. Ware.

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Suite 9-L

Brooklyn, NY 11226

(718) 844-1260 phone

utware007@gmail.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**United States of America, et al.,
Plaintiff, Petitioner,
Cross Respondent,**

v.

**Ulysses T. Ware, et al.,
Defendant, Respondent,
And Cross Petitioner.**

Exhibit #UTW-03:

Ulysses T. Ware, May 29, 2021, UTW's Letter dated December 11, 2011 to Kilpatrick, Townsend, & Stockton, LLP and Dennis S. Meir, Esq. Discussing KTS's fraud on the court, and conspiracy to commit bankruptcy fraud in ***In re Group Management Corp.***, Case no. 03-93031-mhm (BC NDGA), Chapter 11 (see GX 250, 251, 252, and 253 in 04cr1224).

Case Nos. 05cr1115 (SDNY) and 04cr1224 (SDNY)

Submitted on May 31, 2021, by:

/s/ Ulysses T. Ware

Ulysses T. Ware, individually, and as
the legal representative for the estate
of Mary S. Ware.
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Brooklyn, NY 11226
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**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**United States of America, et al.,
Plaintiff, Petitioner,
Cross Respondent,**

v.

**Ulysses T. Ware, et al.,
Defendant, Respondent,
And Cross Petitioner.**

**Exhibit #UTW-04: Newly Discovered Dispositive Brady Evidence
Concealed and Suppressed by the USAO's Lawyers; and, Judges
William H. Pauley, III and Robert W. Sweet.**

Comes now Ulysses T. Ware and files this Declaration of Undisputed Material Facts dated May 31, 2021, under oath, pursuant to the penalty of perjury, and pursuant to 28 USC 1746, having personal knowledge of the facts, makes the following statements of undisputed material fact.

/s/ Ulysses T. Ware

Ulysses T. Ware
Signed this 31st day of May 2021, in the city of Brooklyn, NY.

Case Nos. 05cr1115 (SDNY) and 04cr1224 (SDNY)

Submitted on May 28, 2021, by:

/s/ Ulysses T. Ware

Ulysses T. Ware, individually, and as
the legal representative for the estate
of Mary S. Ware.
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**IN THE UNITED STATES DISTRICT COURT
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**United States of America, et al.,
Plaintiff, Petitioner,
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v.

**Ulysses T. Ware, et al.,
Defendant, Respondent,
And Cross Petitioner.**

**Ulysses T. Ware, et al., May 28, 2021, Technical
Memorandum of Law and Analysis #1.06.**

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May 28, 2021 prepared

RE: United States Article II litigation position regarding February 20, 2001 contemplated public offering of GPMT's restricted securities, GX-1, GX-2, GX-3, and GX-4, purchased pursuant to para. 10.1(iv) of GX-5 (the so-called subscription agreement): Section 2(a)(11) statutory underwriter status ineligibility for Rule 144(k) conferred on each 02cv2219 (SDNY) plaintiff.